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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
WAC 01 243 58620

Office: VERMONT SERVICE CENTER

Date: APR 26 2010

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

IN BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status and an application for re-registration were simultaneously denied by the Director, Vermont Service Center. The matter is now before the Administrative Appeals Office on appeal. The case will be remanded for further consideration and action.

The applicant is a citizen of El Salvador who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director may withdraw the status of an alien granted TPS under section 244 of the Act at any time if it is determined that the alien was not in fact eligible at the time such status was granted, or at any time thereafter becomes ineligible for such status. 8 C.F.R. § 244.14(a)(1).

On February 27, 2009, the applicant was informed that the Form I-821, Application for Temporary Protected Status, submitted for re-registration was incomplete as she failed to answer all of the questions at Part 4 of the application. The applicant was informed that all questions, and all fields of information must be answered and the form must contain her signature. The applicant was given 33 days to submit a completed Form I-821.

It is noted that the record does not contain either the original or photocopied incomplete Form I-821.

On September 8, 2009, the director withdrew TPS because the applicant failed to submit a properly completed Form I-821.

On appeal, the applicant asserts that she complied with the director's notice by sending a completed Form I-821. The applicant submits a copy of the Form I-821 that she indicates was submitted in response to the notice issued on February 27, 2009.

The case will be remanded and the director shall fully adjudicate the application. The director's denial of the application for re-registration is dependent upon the adjudication of the initial application. Since the initial application has been remanded, the director's decision to deny the re-registration application is also remanded. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS. As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The case is remanded for appropriate action consistent with the above discussion and entry of a new decision.